

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0204-01
Bill No.: SB 47
Subject: Children and Minors; Family Services Division; Family Law
Type: Original
Date: December 27, 2012

Bill Summary: Modifies the definition of relative as it pertains to the placement of children with relatives.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposal will have no fiscal impact on their organization.

Officials from the **Department of Social Services (DSS) - Division of Legal Services** assume the proposal will have no fiscal impact on their organization.

Officials from the **DSS - Children's Division (CD)** state in section 210.565 RSMo, the current definition of "relative" as used in this section, means "any grandparent or any other person related to another by blood or affinity within the third degree". This proposal removes "within the third degree", thereby broadening the definition of relative.

This proposal would move relatives related by blood or affinity of any degree to first preference behind grandparents regardless of whether or not the person has a pre-existing relationship with the child.

Currently any individual related by blood or affinity to the 4th degree is eligible for placement as a trusted adult as long as there is a pre-existing relationship. This legislation would remove that requirement. The Children's Division has an obligation to identify and notify grandparents and "other relatives". A search for relatives under this definition would require an even more extensive search than is currently being conducted. There is a greater likelihood that relatives under this definition would surface in late stages of the process disputing the plan for permanency.

Although 42 U.S.C. § 671(a)(19) requires States to consider giving preference to an adult relative over a non-related caregiver when determining placement, each State defines "relative" differently. States define a relative as being related by blood, marriage, or adoption ranging from the first degree to the fifth degree.

Additionally Title IV-E further requires States to exercise due diligence to identify and provide notice to all grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), that the child has been or is being removed from the custody of his or her parents, explains the options the relative has to participate in the care and placement of the child, and describes the requirements to become a foster parent to the child.

The Children's Division does not anticipate a fiscal impact resulting from this legislation; however this broader definition would require some minor revisions to policy.

HWC:LR:OD

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Social Services -
Division of Legal Services
Children's Division



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